

# Ohio Nursing Law



This continuing nursing education (CNE) booklet is offered to Ohio nurses as a way to meet the requirement for 1 contact hour of CNE directly related to the Ohio Nurse Practice Act.

*A publication for all members of the nursing profession.*

## **Index:**

### **2      2017 Ohio Nursing Law Program - Momentum Highlights**

This continuing nursing education activity was approved by the Ohio Nurses Association (OBN-001-91), an accredited approver by the American Nurses Credentialing Center's Commission on Accreditation.

**Approval valid through 2/17/2019.** Assigned ONA # 20594.

**Contact Hour(s):** 1.0

**Program Fee:** \$15.00

### **16      Answer Sheet**

**Title: 2017 Ohio Nursing Law Program - Momentum Highlights**

**Target Audience:** Ohio Registered Nurses

**Category A:** This program provides 1.0 contact hours of **Category A** continuing nursing education related to the Ohio Nurse Practice Act and the rules of the Ohio Board of Nursing.

“Category A” means the portion of continuing nursing education that meets the one hour requirement directly related to Chapter 4723 of the Revised Code and the rules of the Board of Nursing as set forth in section 4723 of the Administrative Code.

**Media:** hard-copy enduring print booklet, or online at [www.ohionursinglaw.com](http://www.ohionursinglaw.com) or [www.selectce.org](http://www.selectce.org)

**Fee Information:** \$15.00

**Estimated Time to Complete the Activity:** 60 minutes

**Procedures:** To receive credit for completing this activity, read this booklet, complete the post-test questions and evaluation on the Answer Sheet, and either:

i) mail the Answer Sheet and the program fee to us. You will receive a Statement of Credit mailed to you within 10 business days. Checks or money orders are encouraged. Mail to: Ohio Nursing Law, P.O. Box 21186, Columbus, Ohio 43221- 0186;

or

ii) use our online test-taking website [www.ohionursinglaw.com](http://www.ohionursinglaw.com). Follow the instructions on the website, using any major credit card to pay the program fee. Upon passing the test, you will receive immediate confirmation via email, and your official Statement of Credit will be sent within 5 days. Refunds are not provided, unless you mistakenly make too many online payments or some such other snafu.

A minimum score of 70% is required to earn a Statement of Credit.

**CE Planning Team:** Our Nurse Planner for this program is Mark Laubacher, RN, BSN, CEN, CSPI, EMT-P. Faculty is Patti Nussle, JD. Thank you, Mark!

**Disclosure of Commercialism, Unlabeled Uses, Bias, Conflicts of Interest:** Prior to the delivery of the content, we offer these disclosures: All persons in a position to influence the content of this activity, including each member of the CE Planning Team listed above, report no bias or conflicts of interest.

**Goal Statement:** The goal of this activity is for the learner to acquire knowledge of sections of the Ohio Revised Code that may affect their healthcare practice, in order to promote professional development and enhance the learner's contribution to quality health care and the pursuit of professional goals.

**Objective:** At the conclusion of this program, participants should be able to *restate recent Ohio nursing law summaries found in 2016 Ohio Nursing Momentum issues.*

**Important Note:** This is a continuing education program. It is not legal advice. Do not rely on this continuing education activity as legal authority. If you do have a legal problem or question, consult an attorney experienced in nursing law matters to discuss your specific situation.

**Questions?** Email us at [patti@selectce.org](mailto:patti@selectce.org), or call us at 614-481-8711.

**Thank you! We truly enjoy serving you!**

In this continuing education offering, we highlight several articles published by Ohio's Board of Nursing (the Board) related to the Ohio Nurse Practice Act. These articles can be found in one of the 4 issues of the 2016 Nursing Momentum magazine. The Board permits this, and we want to give them thanks. Thank you, Ohio Board of Nursing!

## **ALERT: NEW END DATE FOR NURSE LICENSE RENEWAL STARTED IN 2016**

The Board successfully sought a statutory amendment to change the ending date of licensure renewal for nurses in order to obtain the new Ohio eLicense system that the state is implementing for various professional licensing boards in 2016. HB 188 was passed and signed by the Governor, **changing the ending date of renewals from August 31 to October 31**. This statutory change can be found in ORC 4723.24.

The following began in 2016 continues for all nurse license renewals in 2016 (e.g., LPN's) and is in place for 2017 and future years:

- **To avoid the late processing fee, the online renewal application is due no later than September 15 of your renewal year.**
- **To avoid a lapsed license or certificate, the online application for renewal is due no later than October 31 of your renewal year. Nursing licenses and certificates will lapse November 1 of your renewal year, if you do not renew or request to place the license or certificate on inactive status.**

For all Ohio RNs, your license expiration date is no longer August 31, 2017 but will be October 31, 2017 on the Ohio eLicense Center. LPNs will continue to renew in even numbered years and RNs in odd numbered years.

The Board has received assurances that the new system, eLicense 3.0, will accommodate the large volume of renewals and avoid the disruptions and challenges previously encountered by nurses and Board staff. In 2015 the Nursing Board renewed over 190,000 licenses and certificates during a four-month period. That is in addition to the work performed by licensure staff, who in the same time period processed

approximately 15,000 applications for new graduates seeking initial licensure. The Board is by far the highest volume professional licensing board in Ohio and one of the largest in the nation.

The Board continues to be committed to providing the best customer service possible for licensees and the public, and will distribute information and details about these changes in the *Momentum*, on the Board website, and through social media.

Question 1:

Effective in 2016, the Board changed its ending renewal date for nurses to renew their licenses:

- a. from June 30 to August 31;
- b. from August 31 to October 31;
- c. from August 31 to December 31;
- d. from July 1 to December 31.

Question 2:

Because of the change in ending renewal dates, in 2017 RN's will:

- a. have to complete their license renewals earlier than usual;
- b. not have to complete their continuing education for 2017;
- c. have an extended time period to renew their licenses;
- d. there will be no change for RN's.

Question 3:

Going forward, all nurses will incur a late processing fee if they do not renew their license in their renewal year by:

- a. June 30;
- b. September 15;
- c. October 31;
- d. December 31.

## Important Information for Renewal

LPN renewal started on July 1, 2016. After this date, **all nursing license renewals must be completed online.**

The 2016 LPN renewal was the first nursing license renewal completed in the new 3.0 Ohio eLicense system, a comprehensive professional regulatory license system used by a variety of state licensing boards. The Ohio Department of Administrative Services and its vendor have rebuilt and updated technology that was aging rapidly.

## Renew Timely

- Renew ASAP. Incomplete applications will not be accepted by the online system. Waiting until a deadline and realizing you do not have all the information needed to complete the application may prevent you from renewing timely.
- If you wait to renew until close to the September 15th fee deadline and encounter any difficulties or cannot provide all the information, the application will be incomplete and you will then pay a late fee on or after September 16, 2017. The late processing fee is the \$65 renewal fee plus an additional \$50 fee. The total late renewal fee is \$115.
- If you wait to renew until close to the October 31st deadline and encounter any difficulties or cannot provide all the information, the application will be incomplete and your license will lapse on November 1, 2017. You cannot work as a nurse as long as your license is lapsed. You must then apply for reinstatement of your license. The reinstatement process takes additional time to process. Please take the necessary steps to avoid this happening to you. Renewing early is a great way to start.

## Getting Started

- If you are eligible to renew your license this year, you will receive a postal mail reminder that includes a Security Code. The Board will mail letters with Security Codes to RN's during the first week in July. If you did not receive a Security Code from the Board by mail or if you misplaced the one you received, you can still obtain the Security Code that you will need to renew with online. If you have the same e-mail address you used for the last RN renewal in 2015, you can obtain your Security Code

by following the instructions on the Board’s website at [www.nursing.ohio.gov](http://www.nursing.ohio.gov). If you do NOT have the same email address as used in the 2015 renewal, please e-mail [renewal@nursing.ohio.gov](mailto:renewal@nursing.ohio.gov) and in the subject line for that e-mail type in “Need Security Code.”

- Licensees are required to “register” in order to use the new online system. You must have the Security Code to start the renewal process. Remember to put your Security Code in a safe place so you can have it when you need it.

### **Must Pay by Credit or Debit Card**

- Fees must be paid online. Use Master Card, VISA or Discover credit or debit cards. If you do not have this type of personal credit or debit card, you can obtain these pre-paid cards at local stores to use for renewal.
- If the fee is not paid when you submit your application, the application will be incomplete and will not be processed.

### **Additional Information May Be Required**

- If you are asked to provide court documents or other information that may be required as part of your application, please be prepared to upload the documents electronically through the online system. This information is usually required of applicants who answer “yes” to one of the additional information questions on the renewal application.
- No hardcopies of court documents or other information required as part of your application will be accepted. Waiting until a deadline and then realizing you do not have all the information and in the form needed to upload the documents electronically through the online system will prevent you from renewing.
- Incomplete renewal applications will not be accepted by the system. If all required documents are not provided electronically, the renewal application is incomplete.

Question 4:

Effective in 2016, all applications for nursing license renewals in Ohio must:

- a. be completed online;
- b. contain all required information;
- c. be paid for using a credit or debit card;
- d. all of the above are true.

Question 5:

Nurses who are not registered with the new online system for their 2017 license renewal:

- a. will have to obtain a Security Code from the Board of Nursing to start the renewal process;
- b. can mail in a hard copy license renewal application;
- c. can use [renewal@nursing.ohio.gov](mailto:renewal@nursing.ohio.gov) to email in a license renewal application;
- d. there will be no change for RN's.

Question 6:

Nurses who need to supply court documents or other information as part of their license renewal:

- a. must be prepared to upload the documents electronically at the time of license renewal;
- b. will incur a \$25 late processing fee if all documents are not provided to the Board by midnight on September 15;
- c. may use certified mail to send documents to the Board;
- d. may request additional time to obtain the documents from the court.

## Continuing Education Renewal Requirements

- Whether you renew your license timely by September 15, 2017 or in the late period by the October 31, 2017 deadline, you must meet the continuing education (CE) requirements by October 31, 2017 in order to be in compliance with your CE obligations to maintain licensure.
- Please be aware that if you were part of the CE audit for RN's that was conducted for the time period September 1, 2013 through August 31, 2015 and have not yet submitted the information required and received verification of compliance from the Board, you are not eligible to renew. You must complete all outstanding audit requirements from this period before being able to renew. Contact [ce@nursing.ohio.gov](mailto:ce@nursing.ohio.gov) if you have questions.

## Renewal Is An Online Process

- **Remember that all renewals must be completed online.** Licensees may use a computer in the Board office to renew online with staff assistance (if needed) on business weekdays between 8:00 am and 5:00 pm.
- If you hold an active RN license in Ohio, your current license is now legally valid through October 31, 2017.
- On the Board website ([www.nursing.ohio.gov](http://www.nursing.ohio.gov)), you may click on “Subscribe to eNews, Facebook, and Twitter” on the left side of the page to sign up to receive additional Board updates.

If you have questions, please contact the Board at [renewal@nursing.ohio.gov](mailto:renewal@nursing.ohio.gov). There will be approximately 180,000 RN's who renew their licenses from about July 1, 2017 through October 31, 2017. Please be aware that staff response to questions received at the Board may take longer, depending on the number of people who have questions. Let us help serve you better by anticipating and avoiding historically peak deadline renewal times. The earlier you renew, the more chance you have to avoid an issue with your license.

Thank you for your cooperation and assistance in transitioning to the new 3.0 Ohio eLicense system. •

Question 7:

Actively licensed RN's renewing their nursing licenses in 2017:

- a. have a current license that is valid until October 31, 2017;
- b. must meet their CE requirements by September 15, 2017;
- c. can avoid a CE audit if their license is renewed online;
- d. all of the above are true.

**Renewal Applications: Take Precaution in Attesting Completion of Continuing Education**

When renewing a license, all licensed nurses are asked to affirm that the continuing education (CE) courses required by Ohio law have been met. All nurses are required to complete twenty-four hours of continuing education courses every two years. Section 4723.24, Ohio Revised Code (ORC); Rule 4723- 7-09, Ohio Administrative Code (OAC).

Providing false, misleading, or deceptive information on a renewal application is grounds for disciplinary action according to Section 4723.28(A), ORC, and Rule 4723- 4-06(P)(1), OAC. Sanctions may include denial or permanent denial of the renewal application, revocation or permanent license revocation, license suspension, license restrictions, and/or a fine of \$500.00 per violation.

The Board also conducts random audits of nurse continuing education compliance, and may request records to document compliance. Records of continuing education completion must be retained for six years. Rule 4723-14-06(A), OAC. For resources regarding continuing education requirements and opportunities, please visit the Board website at: [www.nursing.ohio.gov](http://www.nursing.ohio.gov) (click on the “Continuing Education” link).

### Question 8:

Continuing education (CE) for nurses in Ohio includes a(n):

- a. requirement that nurses complete thirty (30) hours of CE every 2 years;
- b. requirement that nurses retain their records of completed CE for 3 years;
- c. affirmation that all CE requirements have been met;
- d. possible fine of \$1,000 for non-completion.

## **Medical Marijuana**

In May 2016, House Bill 523 was approved by the General Assembly, and on June 8, 2016 was signed by Governor Kasich. The new law legalizes Marijuana (MJ) use for people with qualifying medical conditions under certain circumstances.

### **The Law:**

- Requires the Ohio Department of Commerce and State Board of Pharmacy to administer a Medical MJ Control Program;
- Establishes the Medical MJ Advisory Committee, and authorizes it to make recommendations to the Control Program;
- Permits a patient, on the recommendation of a physician, to use medical MJ to treat a qualifying medical condition;
- Authorizes the State Board of Pharmacy to register patients and caregivers and to issue licenses to medical MJ retail dispensaries;
- Authorizes the Department of Commerce to issue licenses to medical MJ cultivators, processors, and testing laboratories;
- Authorizes the Medical Board to issue certificates to physicians seeking to recommend treatment with medical MJ;
- Prohibits the cultivation of medical MJ for personal, family, or household use;
- Prohibits the smoking of medical MJ, but allows for vaporization;

## **Board of Nursing Disciplinary Considerations:**

If a licensed nurse uses medical MJ according to the new law, this does not necessarily mean that the nurse is exempt from disciplinary action. Section 4723.28(B)(10), ORC, authorizes the Board to discipline a licensee for impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care because of the use of drugs, alcohol, or other chemical substances. Paragraph (B)(10) does not depend on whether or not MJ was legally obtained. The same workplace criteria used to evaluate impairment based on the use of alcohol, or legally prescribed opioids or other drugs, would apply in determining if someone was impaired based on medical MJ usage. OVI charges resulting from medical MJ use would also be a potential basis for Board disciplinary action.

The new law does not authorize a person to drive a vehicle under the influence of medical MJ. However, to trigger a field sobriety test, a law enforcement officer must have more information than the fact a person is a registered medical MJ patient (e.g. failure to obey traffic signals). See Section 3796.24, ORC.

### Question 9:

If a licensed nurse uses medical MJ in accordance with the new law in Ohio:

- a. the nurse can cultivate medical MJ for personal, family or household use;
- b. the nurse is authorized to practice under the influence of medical MJ;
- c. the nurse is authorized to drive a vehicle under the influence of medical MJ;
- d. the Nursing Board can impose discipline using the same workplace criteria used to evaluate impairment based on the use of alcohol, or legally prescribed opioids.

## **Volunteer Nursing Practice**

Nurses often practice in volunteer roles, ranging from community health services, providing nursing care at their children's schools, assisting at specific health care facilities, practicing nursing within their faith communities, or generally helping out friends and neighbors with their nursing care needs. The Ohio Nurse Practice Act authorizes the practice of nursing by individuals who hold a current, active valid nursing license. This authority to practice is not limited to circumstances where the nurse receives some form of payment, so nurses who practice in a volunteer role as a nurse are not exempt or excused from complying with the scope and standards of the licensed practice of nursing established in the Nurse Practice Act, Chapter 4723., Ohio Revised Code, and the administrative rules. Chapter 4723-4, OAC, for RNs and LPNs, and Chapters 4723-8 and 4723-9, OAC, for APRNs, specify practice requirements.

### **Important questions for all nurses to consider when practicing as a volunteer:**

#### **Should nurses who volunteer display and identify their nurse title when providing nursing care as a volunteer?**

Rule 4723-4-06, OAC, Standards of nursing practice promoting patient safety, requires all licensed nurses, when providing direct nursing care to a patient, to display their applicable license title or initials, e.g., Registered Nurse or RN; Licensed Practical Nurse or LPN; the specific types of APRNs, such as Certified Nurse Practitioner or CNP, Certified Nurse-Midwife or CNM, Certified Registered Nurse Anesthetist or CRNA; and Clinical Nurse Specialist or CNS. Further, if the volunteer practice requires interaction with other health care providers on behalf of the patient through some form of telecommunication, the nurse must identify his or her title or initials. In the case of telephoning in a prescription to a pharmacy, the nurse must provide his or her full name and title.

#### **Does the volunteer role require the nurse to engage in a specific nursing practice or area that the nurse is not familiar with?**

Rule 4723-4-03, OAC, for RNs and Rule 4723-4-04, OAC, for LPNs require that a nurse maintain current knowledge of the duties, responsibilities, and accountabilities for safe nursing practice; and

demonstrate competence and accountability in all areas of practice in which the nurse is engaged that includes the recognition, referral or consultation and intervention when a complication arises. For example, a nurse whose past or current practice and educational preparation pertains to obstetrical and immediate newborn care may not be readily competent to provide volunteer services in health counseling or patient teaching to adult patients with chronic lung disease, and may require additional education to conform to the current standards.

**Question 10:**

If a licensed nurse practices in an unpaid, volunteer role as a nurse, then the nurse is exempt or excused from complying with the scope and standards of Ohio's Nurse Practice Act.

- a. True;
- b. False.

**Number of APRN's With Whom One Physician/Podiatrist May Collaborate**

This section provides information about physician collaboration with (1) APRNs who do not have prescriptive authority, and (2) APRNs who do and prescribing is a component of their practice.

**How many APRNs can one physician or podiatrist collaborate with when prescribing is not a component of the APRN practice?**

No legal limit exists regarding the total number of APRNs with whom one physician or podiatrist may collaborate. This is a decision made jointly by the APRN and the collaborating physician or podiatrist based on standards of practice. The decision may be determined in accordance with the policies of the practice setting/health care organization.

**How many APRNs with prescriptive authority can one physician or podiatrist collaborate with, when prescribing is a component of the APRN practice?**

Section 4723.431(A), Ohio Revised Code (ORC), states in part: *If a collaborating physician or podiatrist enters into standard care arrangements with more than three nurses who hold certificates to prescribe issued under section 4723.48 of the Revised Code, the physician or podiatrist shall not collaborate at the same time with **more than three** of the nurses **in the prescribing component of their practices.*** (Emphasis added.)

“Collaborate” is defined to mean that a standard care arrangement has been entered into and the physician or podiatrist are “continuously available” to communicate with the APRN with whom they are collaborating. Section 4723.01(L)(1), ORC. Collaboration is a practice relationship and when an APRN’s practice includes prescribing, the physician may not engage in this type of professional relationship with more than three APRNs “at the same time.”

The “prescribing component” of practice includes, but is not limited to, the APRN evaluating whether a particular drug should be prescribed, changed, continued, or discontinued for a patient.

For example, if a physician has entered into a standard care arrangement for collaboration in his or her practice with five APRNs who have prescriptive authority, and each APRN’s practice requires the APRN to engage in prescribing as a component of that practice, then only three of the APRNs may be scheduled to practice at the same time.

Question 11:

When prescribing *is* a component of an APRN's practice, then a physician shall not collaborate at the same time with more than three nurses.

- a. True;
- b. False.

Return this **ANSWER SHEET** and **\$15.00 Program Fee** to:

OHIO NURSING LAW  
P.O. Box 21186  
Columbus, Ohio 43221-0186

NAME: (print neatly, please)	
ADDRESS:	
CITY and STATE and ZIP:	
PHONE NUMBER:	EMAIL:

**ANSWER SHEET – 2017 Ohio Nursing Law Program - Momentum Highlights**

*Expiration Date: February 17, 2019*

- |    |   |   |   |   |     |   |   |   |   |
|----|---|---|---|---|-----|---|---|---|---|
| 1. | a | b | c | d | 6.  | a | b | c | d |
| 2. | a | b | c | d | 7.  | a | b | c | d |
| 3. | a | b | c | d | 8.  | a | b | c | d |
| 4. | a | b | c | d | 9.  | a | b | c | d |
| 5. | a | b | c | d | 10. | a | b |   |   |
|    |   |   |   |   | 11. | a | b |   |   |

12. Objective Met: After completing this program, I am able to *restate recent Ohio nursing law summaries found in 2016 Ohio Nursing Momentum issues*:

Yes No

13. This CE activity met my educational needs:

Yes No

14. The quality of the faculty was: Great OK Needs to Improve

15. The usefulness of the learning material was:

Great OK Needs to Improve

16. The effectiveness of the teaching and learning methods, including active learning, was:

Great OK Needs to Improve

17. The appropriateness of the learning assessment activity (the post-test) was:

Great OK Needs to Improve

18. If you perceived any bias or commercialism, please describe:

19. How long did it take you to complete this activity? \_\_\_\_\_

20. For our next year's program, do you have a "learning gap" you would like to see filled? In other words, is there something you don't know, but wish you did? \_\_\_\_\_

*Thank you!*